MINIMUM FILING FEE: $100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN INK

STATE OF CALIFORNIA

State Water Resources Control Board
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95810

APPLICATION to APPROPRIATE WATER

(For explanation of entries required, see booklet "How to File an Application to Appropriate Water in California")

STATE WATER RESOURCES CONTROL BOARD
1987 SEP -9 AM 10:25
DIV. OF WATER RIGHTS
SACRAMENTO

Application No. 29066

1. APPLICANT

I, BEDFORD PROPERTIES
(Name of Applicant)

(415) 283-8262
(Telephone Number where you may be reached between 8 a.m. and 5 p.m.—include area code)

P. O. Box 1267 (Address) | Lafayette (City or Town) | CA (State) | 94549 (Zip Code)

do hereby make application for a permit to appropriate the following described waters of the State of California, SUBJECT TO VESTED RIGHTS

2. SOURCE

a. The name of the source at the point of diversion is Connection Slough
(If unnamed, state nature of source and that it IS unnamed)

STREAM CODE: MIDDLE RIVER TRIBS

tributary to ^ San Joaquin River

b. In a normal year does the stream dry up at any point downstream from your project? YES ☐ NO ☒. If Yes, during what months is it usually dry? _____

3. POINT of DIVERSION and REDIVERSION

a. The point of diversion will be in the County of San Joaquin

b.

List all points giving coordinate distances from section corner or other tie as allowed by Board regulations	Point is within (40-acre Subdivision)	Proj. Section	Township	Range	Base and Meridan
N 549,670 ft., E 1,698,380 ft.	NW ¼ of SW ¼	21	2N	4E	MD
(See Attachment)	¼ of ¼				
	¼ of ¼				

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐. See Attachment

d. If applicant does not own land at point of diversion, state name and address of owner and state what steps have been taken to obtain right of access: _____

4. PURPOSE of USE, AMOUNT and SEASON

a. State the purpose(s) for which water is to be appropriated, the amounts of water for each purpose and dates between which diversions will be made in the table below. Use gallons per day if rate is less than 0.025 cubic feet per second (approximately 16,000 gallons per day).

PURPOSE OF USE	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	Acre-feet per year	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per year	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Irrigation)							
Domestic)					110,570*	12/15	5/1
Municipal)							
	_____ (TOTAL)				110,570 (TOTAL)		

b. Total combined amount taken by direct diversion and storage during any one year will be _____ acre-feet.
*See Attachment

WR 1 (1/86)

9-22-87 Filed

The total quantity applied for under this application is 110,570 acre-feet.

5. Applicant proposes to make the water of this application available to the State Water Project or the Central Valley Project.

7. The place of use will be the service area of the State Water Project as shown on maps filed for Application 5630 and the service area of the Central Valley Project as shown on maps filed with Applications 5626, 9363, 9364, 9366, 9367, 9368, 13370, 13371 and 22316. All of these maps are within the files of the State Water Resources Control Board.

9c. Informal discussions have taken place with several employees of the Department of Fish and Game, including James D. Messersmith. They have suggested that the matter of fish and wildlife impacts be determined at a later date.

9d. The following agencies will be contacted in order for them to make a determination as to permit requirements.

Reclamation District No. 2028
San Joaquin County Building Department
California State Department of Fish & Game
Regional Water Quality Control Board
Corps of Engineers

ATTACHMENT TO APPLICATION TO APPROPRIATE WATER

During the period when the Delta is out of control, water will be stored within Bacon Island. During times of low flow in the months of May, June, July and August the water which has been stored will be pumped back into Connection Slough and sold to a public water agency for beneficial use. For years the levee which surrounds the island has been in place for the sole purpose of keeping water from entering the island. We will continue to maintain the levee for that purpose, but additionally, we will reinforce the levees to withstand an outward force and provide wave erosion protection on the inside levee slope.

3b. The point of diversion described is a new high volume inlet structure to be located along Connection Slough. This point has been described using the California Coordinate System (Zone 3) in order to locate the point as accurately as possible. Section lines have been projected in order to identify the 40-acre parcel.

There are numerous existing siphons located around the perimeter of the island. Some of these siphons will be used for flooding purposes.

3c. The applicant has a recorded option to purchase the property at the new point of diversion.

4a. The quantity of storage available within the island assuming a maximum water surface elevation of 4 feet and the 1978 topography as shown on the USGS quadrangles is 94,220 acre-feet. In order to account for subsidence and bank storage within the island soils it has been assumed that an additional 3 feet can be stored over the entire island surface area of 5,450 acres providing an additional 16,350 acre-feet.

APPLICATION NO. 29066

SUPPLEMENT TO APPLICATION

(This supplement is required for uses other than irrigation, domestic, stockwatering, and recreation and for surface storage of 25 acre-feet or more.)

5. JUSTIFICATION of AMOUNT

e. MUNICIPAL: Estimated projected use:

POPULATION 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use per capita (gal.)	Rate of Diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total Acre-feet
Present						
19						
19						
19						
19						

Month of maximum use during year _____. Month of minimum use during year _____.

Is it planned to individually meter each service connection? YES ☐ NO ☐. If so, when? _____

f. HEAT CONTROL: The total area of heat protection is _____ (net acreage) acres. Type of crop protected _____

Rate at which water is applied to use: _____ (gpm) (cfs) (circle one)

The heat protection season will begin about _____ (beginning date) and end about _____ (ending date).

g. FROST PROTECTION: The total area of frost protection is _____ (net acreage) acres. Type of crop protected _____.

Rate at which water is applied to use: _____ (gpm) (cfs) (circle one)

The frost protection season will begin about _____ (beginning date) and end about _____ (ending date).

h. INDUSTRIAL USE: Type of industry _____

Basis of determination of amount of water needed _____

i. MINING: The name of the mine is _____ (name of claim). Patented ☐ or Unpatented ☐.

The nature of the mine is _____. Mineral to be mined is _____.

Type of milling or processing _____.

After use, the water will be discharged into _____ (name of stream)

in _____ (state 40-acre subdivision) of Sec. ____, T____, R ____, ____ B.&M.

j. POWER USE: The total fall to be utilized is _____ feet. The maximum amount of water to be used through the penstock is _____, cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is _____ (cubic feet per second x fall ÷ 8.8)

The use to which power is to be applied is _____ (for distribution and sale or private use, etc.). The nature of the works by means of which power is to be developed is _____ (Turbine, Pelton wheel, etc.). The size of the nozzle to be used is _____ inches.

After use, the water will be discharged into _____ (name of stream) in _____ (state 40-acre subdivision) of Sec. ____, T____, R ____, ____ B.&M.

k. OTHER: Describe use: _____. Basis of determination of amount of water needed: _____

6. DIVERSION WORKS (Storage Reservoirs)

The following applies to storage reservoirs having a capacity of 25 acre-feet or more:

Diameter of outlet pipe (inches)	Length of outlet pipe (feet)	Vertical distance between entrance and exit of outlet pipe (feet) Fall	Vertical distance from spillway to outlet pipe in reservoir (feet) Head	Estimated storage below outlet pipe entrance (Dead storage)

Water will be pumped from the reservoir.

9. GENERAL

a. What is the name of the post office most used by those living near the proposed point of diversion? Holt

b. Does any part of the place of use comprise a subdivision on file with the State Department of Real Estate? YES [X] NO [ ]. If Yes, state name of subdivision _____ If No, is subdivision of these lands contemplated? YES [ ] NO [ ]. Is it planned to individually meter each service connection? YES [ ] NO [ ]. If Yes, when? _____

c. Have you consulted the California Department of Fish and Game concerning this proposed project? YES [X] NO [ ]. If Yes, state the Department's opinion concerning the potential effects of your proposed project on fish and other wildlife and state measures required for mitigation See Attachment

If No, state the effects on fish and other wildlife you foresee as potentially arising from your proposed project. _____

d. Please name other public agencies, if any, from which you have obtained or are required to obtain approvals regarding this project: See Attachment

e. What are the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion? Unknown

f. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? Yes

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES [ ] NO [X]

If yes, complete table below

Nature of Rights (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to: [ ] All matters concerning this water right application, [ ] those matters designated as follows: _____

Name _____ Address _____

_____ Zip Code: _____

is authorized to act on my behalf as my agent. (Telephone No. of agent between 8 a.m. and 5 p.m.)

12. SIGNATURE of APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated July 1 19 87, at Sacramento, California

BEDFORD PROPERTIES

Mr. John L. Winther

(Signature of applicant) (Refer to Section 671 of the Board's regulations)

John L. Winther

If applicants are members of the same family (i.e., husband, wife, mother, father, son, brother, sister, etc.) or reside at the same address, please indicate their relationship:

Ms. Mr.
Miss, Mrs. _____

(Signature of applicant) (Refer to Section 671 of the Board's regulations)

Additional information needed for preparation of this application may be found in the leaflet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross reference all remarks to the numbered item to which they may refer. Send application in duplicate to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P. O. Box 2000, Sacramento, CA 95810, with $100 minimum filing fee.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95810

APPLICATION TO APPROPRIATE WATER
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. _____
(leave blank)

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a brief description of your project, including but not limited to type of construction activity, structures existing or to be built, area to be graded or excavated and project operation.

See Attachment

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, w must consider the information contained in an environmental documen prepared in compliance with the requirements of CEQA. If a environmental document has been prepared for your project by anothe agency, we must consider it. If one has not been prepared, determination must be made as to who is responsible for the preparatio of the environmental document for your project. The following question are to aid us in that determination.

2. Contact your county planning or public works department for th following information:
   (a) Assessor's Parcel No. See Attachment
   (b) County Zoning Designation EA-40
   (c) Will the county have to issue any permits or approvals for your project? Yes If yes, check appropriate spaces below: _____ Grading Permit, X Use Permit, _____ Watercourse Obstruction Permit, _____ Change of Zoning, _____ General Plan Change, _____ Other: _____
   (d) If any permits have been obtained list permit type and permit number: --
   (e) Person contacted Mary Hendricks Date of contact _____
   Department Planning Telephone (209) 944-3722

3. Are any additional state or federal permits required for your project? (i.e., Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Dam Safety), Reclamatio Board, Coastal Commission, State Lands Commission, etc.)
   For each agency from which a permit is required provide the followinc information:
   Permit type See Attachment
   Person contacted _____ Agency _____
   Date of contact _____ Telephone ( ) _____

4. Has your agency, if it is a public agency, or any permitting agency prepared any environmental documents for your project? No
   If so, you must submit a copy of the latest environmental document with this application, including a copy of the notice of determination.
   If not, will any environmental documents be prepared by any permittinc agency, or will you be preparing environmental documents for your project? -- If so, explain: An EIR will likely be required by the permitting agencies.

   Note: When completed, the final environmental document (includinc notice of determination) or notice of exemption must be submitted tc the Board. Processing of your water right application cannot proceec until such documents are submitted.

5. Will your project, during construction or operation, generate waste o wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity o sedimentation? Yes If so, explain: See Attachment

   If you answered yes or you are unsure of your answer, contact you local Regional Water Quality Control Board for the followin information (See attachment for address and telephone number):
   Will a waste discharge permit be required for your project? _____
   Person contacted _____ Date of contact _____
   What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? _____

Do you know of any archeological or historic sites located within the general project area? No If so, explain: _____

ENVIRONMENTAL SETTING

7(a) Describe the current land use of the area at the point of water diversion, immediately downstream of the diversion, and at the place where the water is to be used. Attach photographs of these areas. Date and label photos.

Point of diversion: Levee and agricultural

Downstream of diversion: Levee and agricultural

Place of use: Service area of the State Water Project and Central Valley Project consisting of existing agricultural, municipal and industrial uses.

(b) Describe the types of existing vegetation at the point of diversion, immediately downstream of the point of diversion, and at the place where the water is to be used. These vegetation types should be shown in the photographs submitted.

Point of diversion: Minor amount of riparian growth along waterward slope of levee, weeds common to Delta on the landward slope of the levee and various crops on the agricultural land.

Downstream of diversion: Same as above.

Place of Use: varied

8. What changes in the project site and surrounding area will occur or are likely to occur because of construction and operation of your project? Include in your answer such things as approximate number and size/age of trees to be removed or areas of vegetation/brush removal; area or extent of streambed alteration, trenching, grading, excavation, plowing, or road, dam or building construction; etc. Consider all aspects of your project, including diversion structure, pipelines or ditches, water use, and changes at the place of use.

See Attachment

16. Will you make changes in your project as recommended by DFG? _____
If not, explain: _____

17. If your application lists wildlife enhancement as a proposed use, what specific species or habitat type will be enhanced? _____

According to the DFG representative, does your proposed project utilize a sound technique for the purpose of wildlife enhancement?

EXISTING STORAGE OR DIVERSIONS

If you currently have an interest in any other water projects which store or divert water and this application requests additional water from the same watershed, answer the following additional question for each project:

18. Does the project have fish and wildlife protection requirements? _____
If so, list the permit number and specific protection requirements for each project: _____

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date July 1, 1987 Signature BEDFORD PROPERTIES
John L. Winther
John L. Winther

FISH AND WILDLIFE CONCERNS See Attachment

Contact your regional office of the State Department of Fish and Game (DFG) to obtain the information requested in questions 9 through 17 (see page 6 for address and telephone number):

9. Person contacted _____

   Date of contact _____ Telephone ( ) _____

10. According to the DFG representative, when did or when will a DFG representative visit the project site area? _____

    _____

    What is the name of the DFG representative who made or will make the inspection of the project site area? _____

11. According to the DFG representative, will this project require a Streambed Alteration Agreement? _____

12. According to the DFG representative, do any resident or migratory game or non-game fish species occur in the affected stream? _____

    If so, what species? _____

    _____

    What season of the year do they occur in the stream? _____

    _____

    _____

13. According to the DFG representative, do any plants or animals which are (1)federally identified as candidate, threatened, or endangered; (2)state listed as rare, threatened, or endangered; or (3)listed by the DFG Natural Diversity Data Base, occur in the project area?_____

    Will they be impacted in any way by the project? _____

    If so, identify the species and explain how they will be impacted:

    _____

    _____

    _____

    _____

    _____

14. Does the DFG representative expect that your project will have an adverse effect on any resident or migratory fish populations, any wildlife populations, or any rare or endangered plant or animal species? _____ If so, explain: _____

    _____

    _____

    _____

    _____

    _____

15. What measures relating to your project have been proposed by the DFG representative to protect fish, wildlife or endangered or rare species: _____

    _____

    _____

    _____

    _____

    _____

    _____

16. Will you make changes in your project as recommended by DFG? _____

ATTACHMENT TO ENVIRONMENTAL INFORMATION

1. This project proposes to use Bacon Island as a storage reservoir which will also act as a seasonally flooded wetland for wildlife enhancement. Water will be stored during periods when the Delta is considered to be out of control and released during the summer months.

   The construction which will occur will be that for a new high volume inlet structure and pumping station. Some of the existing siphons will be used to aid in the flooding of the island. Work on the inside face of exterior levees will be performed in order to provide adequate erosion protection.

   Some minor dragging and rolling will be done before storage begins. This work will be less than that required to prepare fields for planting.

2a.

Parcel No.	Parcel No.
129-050-01	129-050-55
129-050-02	129-050-56
129-050-03	129-050-57
129-050-04	
129-050-05	129-050-11
129-050-06	129-050-12
129-050-07	
129-050-08	129-050-13
129-050-09	129-050-16
129-050-14	
129-050-15	129-050-17
129-050-10	129-050-18
129-050-20	129-050-19
129-050-21	
129-050-24	129-050-25
129-050-28	129-050-26
129-050-52	129-050-27
129-050-54	

3. At this time we are unsure as to what agencies will require permits. We will contact the following agencies in order for them to make a determination as to permit requirements.

Reclamation District 2028
San Joaquin County Building Department
California State Department of Fish and Game
Regional Water Quality Control Board
U. S. Corps of Engineers

5. Eventually parcels will be sold with the expectation that clubhouse facilities will be built for recreational users. A certain amount of sewage will be generated accordingly, which will be disposed of in accordance with applicable codes.

8. In general, we will be converting the land use from mixed agricultural to seasonally flooded wetland. The following work will be accomplished:

   The inside face of exterior levees will have soil added for erosion protection. All material to be used to reinforce external levees from the inside will be borrowed on site. A small amount of gravel topping or riprap, as required, will necessarily be imported. Those surfaces will be planted to species that will provide wave erosion protection, as well as wildlife cover. Existing fields that have been wind rowed for agricultural reasons, will be dragged and rolled, in an effort to minimize the trapping of water during drawdown. Certain interior drainage ditches will be improved for increased water flow and boat access. All of these earth moving and planting operations can be accomplished with less environmental impact than typical agricultural practice.

9 thru 17. Fish and Wildlife Concerns

Informal discussions have taken place with several employees of the Department of Fish & Game, including James D. Messersmith. They have suggested that the matter of fish and wildlife impacts be determined at a later date.